REMARKS

Administrative Overview

        The instant Office Action was mailed on June 3, 2008. The Office Action rejected claims
2, 4-12, and 14-23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No.
5,794,207 to Walker et al. (hereinafter "*Walker*") in view of paragraphs [0002]-[0005]
(hereinafter "*Background*") and U.S. Patent Application Publication No. 2003/0167222 to
Mehrotra et al. (hereinafter "*Mehrotra*") and further in view of U.S. Patent Application
Publication No. 2001/0049653 to Sheets (hereinafter "*Sheets*"). Upon entry of this paper and the
preceding amendments, claims 2, 4-12 and 14-23 will remain pending in this application.
Support for these amendments may be found, for example, at [0042] and [0086] of the
application as initially filed. We respectfully traverse these rejections and request
reconsideration of the claims in light of the discussion below.

The Claims are Patentable over *Walker* in view of *Mehrotra* and further in view of *Sheets*

        Claims 2, 4-12, and 14-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable
over *Walker* in view of *Background* and *Mehrotra* and further in view of *Sheets*. A rejection for
obviousness requires the demonstration of each and every element of a claim in the supporting
references. MPEP § 2143. We respectfully submit that *Walker, Mehrotra* and *Sheets,* which
were the only references supporting the rejection of independent claim 2, either individually or in
combination fail to teach or suggest all of the limitations of independent claim 2 and therefore do
not render obvious that independent claim or any of the remaining claims that depend therefrom.
        The present invention generally relates to "a system and related methods facilitating
dynamically collaborative electronic commerce over a data network". Abstract. A
"collaboration agent" enables sellers, dealers and manufacturers to agree to terms and conditions
for cooperatively participating in a commercial transaction over a data network. Id. at [0026].
The collaboration agent provides a user with a list of options reflecting available product
inventory. Id. at [0042]. This guarantees that a user receives results from the available product
inventory. Id. at [0086].

In brief overview, *Walker* teaches a method and apparatus for effectuating buyer-driven commerce. *Walker* at Abstract . *Mehrotra* teaches a method and apparatus for marketing within a complex product space. *Mehrotra* at Abstract. Independent claim 2 requires that "the collaboration agent to provide the users with a list of options reflecting available product inventory selected so as to guarantee a user selecting at least one of the options from the list at least one result from the available product inventory." Neither *Walker* or *Mehrotra* teach or suggest this element. In fact, the Examiner concedes that *Walker* fails to satisfy this element and turns to *Sheets*.

Sheets, however, does not supply what *Walker* and *Mehrotra* lack. *Sheets* describes a system for matching customers with products in inventory that will be desirable and affordable to the customers. *Sheets* at Abstract. *Sheets* describes the prior-art technique of performing "a search of the product database inventory file to determine which products most closely match" a particular customer's "individual desires and needs." Id. at [0025]. *Sheets* does not teach providing the users with a list of options reflecting available product inventory selected so as to guarantee a user selecting at least one of the options from the list at least one result from the available product inventory.

Sheets discloses that a customer may specify "a particular product make, product style, product prices range, and particular product options (e.g., air-conditioning) are high priority fields for a particular customer" and the processor will then "primarily search for products in the inventory file which match these high priority fields." Id. at [0026]. This is the same prior art process described in the Applicant's disclosure. In discussing the concept of "seeding" an inventory search result, the present invention distinguishes itself from prior art systems which enable a user to build a desired product configuration based on manufactured product attributes, even if that particular configuration is not readily available in inventory. Id. at [0086]. In contrast, embodiments of the present invention provide the user with a list of options reflecting only available product inventory, so as to guarantee a user at least one result from the available product inventory. Id. Therefore, *Sheets* does not cure *Walker*'s and *Mehrotra's* deficiency for it does not disclose the element of "the collaboration agent to provide the users with a list of options reflecting available product inventory selected so as to guarantee a user selecting at least one of the options from the list at least one result from the available product inventory."

For these reasons, we submit that the combination of *Walker, Mehrotra* and *Sheets* fails to teach or suggest all of the elements present in the Applicants' independent claim 2. Therefore, we respectfully submit that independent claim 2, and the remaining claims, which depend therefrom, are patentable over *Walker* in view *Mehrotra* and further in view of *Sheets*.

CONCLUSION

In light of the foregoing, we respectfully submit that all of the pending claims are now in condition for allowance. Accordingly, we respectfully request reconsideration, withdrawal of all grounds of objection and rejection, and allowance of all pending claims in due course. If the Examiner believes that a telephone conversation with the Applicants' attorney would be helpful in expediting the allowance of this application, the Examiner is invited to call the undersigned.

Respectfully submitted,

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